



NATIONAL ASSOCIATION OF REALTORS®

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

LEGAL AFFAIRS

2005 FEB 22 P 3:18

February 15, 2005

Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

Attn: Jeff S. Jordan, Supervisory Attorney
Complaints Examination & Legal Administration

RE: MUR 5577

Dear Mr. Jordan:

This letter is in response to yours dated February 2, 2005 and received by the REALTORS® (Political Action Committee ("RPAC")), C. Michael Brodie, Treasurer, on February 7, 2005. As you are aware, RPAC is the separate segregated fund of the National Association of REALTORS® ("NAR.")¹ I enclose a Statement of Designation of Counsel designating me as counsel to RPAC in this matter.

The complainant in this matter alleges that he received a flyer that "appears to me to advocate the candidacy of Richard Burr" and that was "paid for by the National Association of REALTORS®." He also notes that he is not a member of NAR and contends that "any reasonable individual would consider the act of producing and distributing this flyer to be a political contribution to Mr. Burr." Enclosed with the complaint is a copy of the printed communication to which the complainant objects ("flyer.") For the reasons set forth below, the production and distribution of this flyer does not violate the Federal Election Campaign Act of 1971, as amended ("Act"), and RPAC respectfully requests that the Commission and Commission staff determine that no action be taken against RPAC in response to this complaint and dismiss this matter without further action.

The flyer included with the complaint is entitled "Richard Burr – Building a Stronger North Carolina . . . One Neighborhood at a Time." This flyer bears the identifying notice "Paid for by the National Association of REALTORS®." As explained in my February 15, 2005 response on behalf of NAR to your correspondence in connection with this MUR 5577, NAR paid all costs associated with the production and distribution of these four flyers. For the reasons explained in NAR's response to this MUR, NAR's payment of those expenses do not violate the Act. In particular reference to the claim RPAC may have violated the Act by production or

¹ RPAC is a registered multi-candidate federal political committee, FEC Registration No. C00030718



distribution of this flyer, however, because RPAC did not pay any of the costs or expenses associated with such production or distribution, RPAC did not and could not have violated the Act.

Accordingly, I respectfully request on behalf of the REALTORS® Political Action Committee that the Commission and Commission staff take no action against RPAC in response to this complaint, and that it be dismissed without further action. I would be happy to discuss with you the information set forth above, or to provide any other information or material which will assist you to conclude that it should be dismissed. Please feel free to contact me at your convenience at 312/329-8375.

Very truly yours,



Ralph W. Holmen
Associate General Counsel

RWH/cp

Enclosures

cc: Laurene K. Janik, General Counsel
Walt Witek, Vice President, Government Affairs
Lisa Friday Scott, Senior Public Advocacy Representative, Government Affairs
Scott Reiter, RPAC Program Representative, Government Affairs

**FEDERAL ELECTION COMMISSION**

Office of General Counsel

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Witness

FAX (202) 219-3929

MUR: 5577

COUNSEL: Ralph W. Holmen

FIRM: National Association of REALTORS

ADDRESS: 430 N. Michigan Ave., Chicago, IL 60611

TELEPHONE - OFFICE: (312) 329-8375

FAX: (312) 329-8256

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

_____ Date _____ Signature Michael Bradie _____ Title Treasurer

Political Action Committee
National Association of REALTORS

RESPONDENT/WITNESS NAME (PRINT): C. Michael Brodie

MAILING ADDRESS: 430 N. Michigan Avenue

Chicago, IL 60611

TELEPHONE - HOME: () _____

OFFICE: (312) 329-8540

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation